

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AQUAVIT PHARMACEUTICALS, INC., :

: Plaintiff,

: - against -

U-BIO MED, INC., et al., :

: Defendants.

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19-CV-3351 (VEC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This Order resolves issues raised in the parties' status report filed on December 2, 2020. (Dkt. 202.)

1. Defendants' protestations and proffered excuses for not timely complying with sanctions-related discovery are not well taken. On September 3, 2020, the parties filed a joint proposal for discovery to be produced by September 28, 2020. The Court adopted the proposal in full on September 4, 2020. The concerns raised by Defendants now would have existed previous to the joint proposal. Defendants did not raise them then; they may not raise them now. Defendants' after-the-fact proposal and request that discovery on contempt now be scheduled to run concurrently with merits discovery is denied.

2. Defendants shall fully comply with Plaintiff's sanctions-related discovery demands no later than **December 16, 2020**. Failure to do so will result in discovery sanctions, including preclusion of any later admission of such material offered by Defendants, and the drawing of inferences adverse to Defendants on the subject matter of that discovery.

3. Briefing on the sanctions-related issues (including not only compensatory sanctions, but also regarding the deletion of an Instagram account) shall proceed as follows. Conforming with the briefing period set forth in the proposal adopted by the Court on September 4, 2020, Plaintiff shall file its opening papers by **January 11, 2021**. Defendants shall file any responding papers by **February 1, 2021**. Plaintiff shall file any reply by **February 8, 2021**.

4. Although the merits discovery deadline has expired, the parties shall meet and confer to discuss a schedule for any remaining merits discovery and shall file a joint letter setting forth their proposal(s) by **December 21, 2020**. The Court expects that any remaining period should be relatively brief.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 7, 2020
New York, New York

Copies transmitted this date to all counsel of record.